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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,726

08/08/2006

Rowland G. Hunt

36-1996

1974

23117 7590 01/05/2009

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER

BAIG, ADNAN

ART UNIT

PAPER NUMBER

4172

MAIL DATE

DELIVERY MODE

01/05/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/588,726		HUNT ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	ADNAN BAIG		4172	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/20/2006, 2/25/2006</u> .                                   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-10, 13-18, 21-22, and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US Pat. 5,878,224).

Regarding Claim 1, Smith discloses an adaptive overload system for controlling the amount of traffic processed by a network access controller. (i.e., the network access controller or Source mentioned is responsible for controlling the traffic in the communication network, Col. 2 Lines 50-53. Referring to Fig. 3, the network Server is shown at the right side of the drawing, Items 300a-b. The network access controller or network server is responsible for processing incoming traffic, See Col. 5 Lines 4-15).

the network access controller being arranged to receive traffic offered by a plurality of network access points arranged to provide said traffic with access to a communications network (i.e., Referring to Fig. 3, the plurality of network access points or service switching points are illustrated in items 304a-c. The points are able to send traffic which is received by the network access controller, Col. 4 Lines 25-40. The traffic which in the

example is a phone number, is shown to be sent by the access points (SSP's) and is received by the service control provider 300a-b).

the system enabling, said network access controller to externally regulate its offered traffic rate (i.e., The server or network access controller adjusts or regulates the amount of traffic it receives, Col. 8 Lines 52-62).

the system comprising:

determining from the aggregate rate at which traffic is offered by all of said plurality of network access points to said network access controller if an overload condition exists at the network access controller, and if so, generating at least one constraint derived from said aggregate offered traffic rate (i.e. An overload condition is controlled by requests received from the network access points, Col. 4 Lines 15-24. The main functions of the controller reduce the amount of incoming traffic from the access points, Col. 4 (Lines 54)-Col. 5 Lines (1-3)).

communicating said at least one constraint to each of said plurality of network access points; (i.e., The Server communicates with the source or access points where any node in the network is able to send messages in regards to traffic, Col. 5 Lines 29-40).

processing at each one of said plurality of network access points received constraint information to determine one or more local constraints to be imposed on the traffic which limit the traffic offered by said one of said plurality of network access

points (i.e., The network server processes the constraint at the access points and traffic is controlled or limited, Col. 7 Lines 55-60).

wherein the constraint derived from the aggregate offered traffic rate comprises a gap interval, and wherein each local constraint comprises a scaling of said gap interval to vary the duration of time in which traffic received by the network access point is not offered to the network access controller whereby repeat focused overloads of said network access controller are desynchronized. (i.e., Referring to Fig.1, the Gap interval technique is illustrated where the server controls the amount of workload by each interval it receives, Col. 13 Lines 5-9).

Regarding Claim 2, Smith discloses an adaptive overload system for controlling the amount of traffic processed by a network access controller (i.e., The network access controller or Source mentioned is responsible for controlling the traffic in the communication network, Col. 2 Lines 50-53. Referring to Fig. 3, the network Server is shown at the right side of the drawing, Items 300a-b. The network access controller or network server is responsible for processing incoming traffic. See Col. 5 Lines 4-15).

the network access controller being arranged to receive traffic offered by a plurality of network access points arranged to provide said traffic with access to a communications network (i.e., Referring to Fig. 3, the plurality of network access points or service switching points are illustrated in items 304a-c. The points are able to send traffic which is received by the network access controller as described in Col. 4 Lines 25-40. The

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traffic which in the example is a phone number, is shown to be sent by the access points (SSP's) and is received by the service control provider 300a-b).

the system enabling said network access controller to externally regulate its offered traffic rate, (i.e., The server or network access controller adjusts or regulates the amount of traffic it receives, Col. 8 Lines 52-62).

the system comprising:

determining from reject rate at which the traffic offered by all of said plurality of network access points to said network access controller is rejected if an overload condition exists at the network access controller, and if so, deriving from the reject rate determined at least one constraint (i.e., One constraint is derived from the server once the amount of traffic a network can receive is determined, Col. 5 Lines 29-40).

communicating said at least one constraint to each of said plurality of network access points (i.e., The Server communicates with the source or access points where any node in the network is able to send messages in regards to traffic, Col. 5 Lines 29-40).

processing at each one of said plurality of network access points received constraint information to determine one or more local constraints to be imposed on the traffic which limit the traffic offered by said one of said plurality of network access points (i.e., The network server processes the constraint at the access points and traffic is controlled or limited, Col. 7 Lines 55-60).

wherein the constraint derived from the reject rate comprises a gap interval, and wherein each local constraint comprises a scaling of said gap interval to vary the duration of time in which traffic received by the network access point is not offered to the network access controller whereby repeat focused overloads of said network access controller are desynchronized. (i.e., Referring to Fig.1, the Gap interval technique is illustrated where the server controls the amount of workload by each interval it receives, Col. 13 Lines 5-9).

Regarding Claim 4, Smith discloses system as claimed in claim 1, wherein the aggregate distribution of intervals imposed by all of said network access points under the control of the network access controller is randomized at the onset of the local constraint imposed by each said network access point (i.e., The interval of messages or constraints from each access point is randomized so the server can know when to accept or reject constraints based on overload conditions, Col. 7 Lines 55-Col. 8 Lines (1-3)).

Regarding Claim 5, Smith discloses a system as claimed in claim 1, wherein said randomization is imposed individually by each network access point generating an initial interval whose duration is determined by a random process (i.e., The network access points generate an initial interval through a random process which

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determines the amount of traffic to be passed to the network, Col. 12 Lines 64-Col. 13 Lines (1-15)).

Regarding Claim 6, Smith discloses a system as claimed in claim 1, wherein said randomization is imposed individually by each network access point implementing said local constraint interval immediately following processing of the global constraint information received, (i.e., the network access points generate an initial interval through a random process which determines the amount of traffic to be passed to the network, Col. 12 Lines 64-Col. 13 Lines (1-15)).

and wherein the time for the global constraint information processing to be completed following the network access controller generating said global constraint information varies for each of said plurality of network access points, Col. 11 Lines 40-50.

Regarding Claim 7, Smith discloses an adaptive overload system comprising a communications network including a network access controller arranged to externally control the amount of traffic which it processes (i.e., The network access controller or Source mentioned is responsible for controlling the traffic in the communication network, Col. 2 Lines 50-53. Referring to Fig. 3, the network Server is shown at the right side of the drawing, Items 300a-b. The network access controller or network server is responsible for processing incoming traffic, Col. 5 Lines 4-15).



and a plurality of network access points arranged to be controlled by the network access controller each network access point providing said traffic with access to the communications network (i.e., Referring to Fig. 3, the plurality of network access points or service switching points are illustrated in items 304a-c. The points are able to send traffic which is received by the network access controller, Col. 4 Lines 25-40. The traffic which in the example is a phone number, is shown to be sent by the access points (SSP's) and is received by the service control provider 300a-b).

the system comprising:

determining at the network access controller if an overload condition exists, and if so, generating at least one global constraint to restrict the rate at which a network access point admits said traffic to the communications network (i.e., One constraint is derived from the server once the amount of traffic a network can receive is determined, Col. 5 Lines 29-40).

communicating said at least one global traffic constraint to one or more of said plurality of network access points (i.e., The Server communicates with the source or access points where any node in the network is able to send messages in regards to traffic, Col. 5 Lines 29-40).

processing each global traffic constraint received to determine a plurality of local constraint conditions (i.e., The network server processes the constraint at the access points and traffic is controlled or limited, Col. 7 Lines 55-60).

wherein said receiving network access point performs the following steps to determine said local constraint conditions: determining a local predetermined gap interval to be imposed on said traffic (i.e., Referring to Fig.1, the Gap interval technique is illustrated where the server controls the amount of workload by each interval it receives, Col. 13 Lines 5-9).

determining an initial gap interval ( $\Delta t_0$ ) which differs from the subsequent local predetermined gap intervals ( $\Delta t$ ), wherein each initial gap interval ( $\Delta t_0$ ) is determined independently by each of said plurality of network access points. (i.e., a gap interval is determined and a change in time is treated for each interval from the access point to the server, Col. 6 Lines 48-60. Referring to Fig. 1, the first gap initially starts at an initial time of zero. The initial gap interval is determined by the source to access points, Col. 13 Lines 5-15. The duration of the interval is shown, Col. 8 Lines 10-20).

Regarding Claim 8, Smith discloses a system as claimed in claim 7, wherein in said step of communicating said at least one global traffic constraint to one or more of said plurality of network access points, at least one global traffic constraint is multicast to one or more of said plurality of network access points (i.e., The server or controller is able to deliver the traffic constraint to multiple network access points, Col. 8 Lines 50-65).

Regarding Claim 9, Smith discloses a system as claimed in claim 7, wherein the initial gap interval is determined at each network access point using a

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random or pseudo-random technique ( i.e., The network access points generate an initial interval through a random process which determines the amount of traffic to be passed to the network, Col. 12 Lines 64-Col. 13 Lines (1-15)).

Regarding Claim 10, Smith discloses a system as claimed in claim 7, wherein the initial gap interval ( $\Delta t_0$ ) duration ranges from 0 to the subsequent local gap interval  $\Delta t$  (i.e., Referring to Fig. 1, the first gap initially starts at an initial time of zero. The initial gap interval is determined by the source to access points, Col. 13 Lines 5-15. a duration of the interval is shown, Col. 8 Lines 10-20).

Regarding Claim 13, Smith discloses a system as claimed in claim 7, wherein a global traffic rate constraint is determined by said access controller for an address. (i.e., The Server communicates with the source or access points where any node in the network is able to send messages in regards to traffic, Col. 5 Lines 29-40).

Regarding Claim 14, Smith discloses a system as claimed in claim 6, wherein the number of lines along which a network access point receives traffic for transmission across the communications network and a scalable gap interval determined by the access controller (i.e., Referring to Fig.1, the Gap interval technique is illustrated where

the server controls the amount of workload by each interval it receives, Col. 13 Lines 5-9.

based on the aggregate traffic offered to the access controller by all contributing network access points Col. 4 Lines 15-24

is used to determine a local predetermined gap interval. (i.e., The predetermined threshold or gap interval is the duration of calls that cannot be sent to the network, Col. 12 Lines 5-10.

Regarding Claim 15, Smith discloses a system as claimed in claim 7, wherein said step of communicating comprises multicasting to all network access points controlled by the access controller (i.e., The server or controller is able to deliver the traffic constraint to multiple network access points, Col. 8 Lines 50-65).

Regarding Claim 16, Smith discloses a system as claimed in claim 1, wherein the controller determines said at least one global traffic constraint by analyzing the rate at which off-hook messages are rejected by the access controller (i.e., Referring to Fig. 1, the gap interval is the determined rate by the server where off-hook messages or traffic by users is rejected, Col. 5 Lines 29-40).

Regarding Claim 17, Smith discloses a system as claimed in claim 1, wherein the controller analyses the rate at which traffic is offered to the controller to determine said at least one global traffic constraint (i.e., the admission factor determines the amount of traffic that is to be offered to the network, Col. 5 Lines 29-40).

Regarding Claim 18, Smith discloses a system as claimed in claim 7, wherein the controller analyses the rate at which traffic is rejected by the controller to determine said at least one global traffic constraint (i.e., the admission factor determines the amount of traffic that is to be rejected and not sent to the network, Col. 5 Lines 40-50).

Regarding Claim 21, Smith discloses a system as claimed in claim 1 wherein each network access point determines the initial gap interval using a probabilistic method. (i.e., the source or network access points contains initial gap interval and calculates a new gap, Col. 13 Lines 5-36. With regards to applicant specifications, the network access points which contain an active gap interval are shown to be determined by random numbers per time interval or a call gap, Col. 7 Lines 55-Col. 8 Lines (1-3).

Regarding Claim 22, Smith discloses a system as claimed in claim 1, wherein the initial gap interval, if not zero, is determined by each network access point such that all of the network access points' initial gap intervals are uniformly distributed in the range from

zero to the local gap interval  $\Delta t$  determined by each network access point. (i.e., Referring to Fig. 1, the first gap initially starts at an initial time of zero. A new gap interval or difference in time is calculated by the source or network access point, Col. 13 Lines 5-15).

Regarding Claim 33, Smith discloses a network access controller having means arranged for use in the system as claimed in claim 1, the controller being arranged to received traffic offered by a plurality of network access points arranged to provide said traffic with access to a communications network (i.e., Referring to Fig. 3, the plurality of network access points or service switching points are illustrated in items 304a-c. The points are able to send traffic which is received by the network access controller, Col. 4 Lines 25-40. The traffic which in the example is a phone number, is shown to be sent by the access points (SSP's) and is received by the service control provider 300a-b).

the network

access controller comprising:

means for monitoring the aggregate offered traffic rate comprising the traffic offered by all of said plurality of network access points to said network access controller, Col. 4 Lines 15-24.

processing means for determining from said aggregate traffic rate if an overload condition exists at the network access controller; (i.e. an overload condition is controlled

by requests received from the network access points, Col. 4 Lines 15-24. The main functions of the controller reduce the amount of incoming traffic from the access points, Col. 4 (Lines 54)-Col. 5 Lines (1-3)).

processing means arranged to generating at least one constraint derived from said monitored aggregate offered traffic rate (i.e., The Server communicates with the source or network access points a constraint, Col. 5 Lines 29-40)

means arranged to communicate said at least one constraint to each of said plurality of network access points (i.e., The Server communicates with the source or access points where any node in the network is able to send messages in regards to traffic, Col. 5 Lines 29-40).

Regarding Claim 34, Smith discloses a network access point arranged for use in the system as claimed in claim 1, the network access point being arranged to provide a network access controller with an offered traffic rate (i.e., The points are able to send traffic which is received by the network access controller, Col. 4 Lines 25-40).

and further comprising: means to received constraint information from the network access controller; Col. 5 Lines 29-40.

means to process said received constraint information to determine one or more local constraints to be imposed on the traffic which limit the traffic offered by said network access point to the network access controller. Col. 5 Lines 40-50

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-12, 19, 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US Pat. 5,878,224), in view of Hari (US 2006/0039397).

Regarding Claim 11, Smith discloses a communications network as claimed in claim 7, where the amount of traffic sent to the server is call related, Col. 4 Lines 25-40. Smith does not expressly disclose the communications network to be a VOIP network.

However the preceding limitation is known in the art of communications, Hari teaches a VOIP network where the amount of call related traffic is routed in the network, [0021-0022]. Hari illustrates an overload condition of call traffic in a VOIP network, [0032].

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to send call related traffic to a server in a VOIP network taught by Hari within the system of Smith, in order to control the amount of traffic in a communications network.

Regarding Claim 12, Smith discloses a system as claimed in claim 7, where an SCP acts as a network access controller in a communications network, Col. 2 Lines 50-53.



The network access controller or Source mentioned is responsible for controlling the traffic in the communication network. Referring to Fig. 3, the network Server is shown at the right side of the drawing, Items 300a-b. The network access controller or network server is responsible for processing incoming traffic, Col. 5 Lines 4-15 and the SSP's are network access points. Smith does not expressly disclose the network access controller being a Media Gateway Controller and each of said plurality of network access points comprises a Media Gateway. However, the preceding limitation is known in the art of communications. Hari teaches a network access controller being a media gateway controller [0011], and network access points comprising a media gateway [0023]. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a network access controller as a media gateway controller with media gateway access points as taught by Hari within the system of Smith in order to route the amount of controlled traffic to a VOIP network.

Regarding Claim 19, Smith discloses a system as claimed in claim 1, where a local gap constraint restricts incoming off-hook messages, (i.e., Referring to Fig. 1, when a Gap constraint or gap interval is applied by the controller, the network access point will not transmit an off-hook condition message since there is an overload in the interval, Col. 5 Lines 29-40).

Smith does not expressly disclose a dial plan implemented by the network access point in the interval or gap. However the preceding limitation is known in the art of

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communications. Hari teaches a dial plan implemented by a media gateway or network access point where the message is routed to an alternate media gateway controller or network access controller if the dial plan has been used before, [0041-0043]. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to use a dial plan with a code gapping technique as taught by Hari within the system of Smith in order to limit the amount of traffic in a communication network.

Regarding Claim 23, Smith discloses a communication network where the numbers of calls are controlled by a controller, Col. 2 Lines 50-53. The network access controller or Source mentioned is responsible for controlling the traffic in the communication network. Referring to Fig. 3, the network Server is shown at the right side of the drawing, Items 300a-b. The network access controller or network server is responsible for processing incoming traffic. See Col. 5 Lines 4-15.

wherein the controller is capable of determining a control or constraint, Col. 5 Lines 29-40. The Server communicates with the source or access points where any node in the network is able to send messages in regards to traffic

multi-casting to a plurality of access points, Col. 8 Lines 50-65

and uses a gap interval to control the amount of overload in the communication network, Referring to Fig.1, the Gap interval technique is illustrated where the server controls the amount of workload by each interval it receives. See Col. 13 Lines 5-9.

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Smith does not expressly disclose the controller to be a media gateway controller in a network containing media gateways as access points. However, the preceding limitation is known in the art of communications. Hari teaches a controller in a communications network to be a media gateway controller [0011] comprising a plurality of network access points comprising or media gateways [0023]. The media gateway is also responsible for congestion of traffic in the network, [0033]. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to use a network access controller to control the number of calls, determine a constraint for the amount of traffic, multicasting, and use a gap interval as a media gateway controller taught by Hari within the system of Smith in order to control the amount of overload in a communication network.

Regarding Claim 24, Smith in view of Hari discloses a method as claimed in claim 23. Smith further teaches the initial gap interval being initially active for a finite sub-set of said plurality of media gateways, Col. 13 Lines 5-36. The initial gap is calculated and remains active at the network access points. Referring to Fig.1, Hari illustrates media gateways, [0023] which are responsible for congestion of traffic in the network, [0033].

Regarding Claim 25, Smith in view of Hari discloses a method as claimed in claim 23. Smith further teaches the initial gap interval determined at the network access point using a random or pseudo random technique, Col. 12 Lines 64-Col. 13 Lines (1-15).

Regarding Claim 26, Smith in view of Hari discloses a method as claimed in claim 23. Smith further teaches the controller to send a scalable call rate gap interval to a network access point for a predetermined call. (i.e., Referring to Fig.1, Smith illustrates the scalable Gap interval where the server controls the amount of workload by each interval it receives, Col. 13 Lines 5-15).

Regarding Claim 27, Smith in view of Hari discloses a method as claimed in claim 23. Hari further teaches a dial plan implemented by a media gateway controller on a media gateway where the message is routed to an alternate media gateway controller or network access controller if the dial plan has been used before, [0041-0043]. Referring to Fig.1, Hari illustrates media gateways, [0023] which are responsible for congestion of traffic in the network, [0033].

Regarding Claim 28, Smith in view of Hari discloses a method as claimed in claim 23. Smith further teaches a network access point or media gateway which analyzes a portion of the call before it transmits the traffic to the controller using code gapping, Col. 13 Lines 5-36.

Regarding Claim 29, Smith in view of Hari discloses a method as claimed in claim 23. Smith further teaches a network access point or media gateway not transmitting traffic to a server or controller until the address is analyzed, Col. 5 Lines 9-11. The sources or access points analyzes at least one digit to determine if it exceeds the determined threshold to reduce traffic. (i.e., Referring to Fig. 1, when a Gap constraint or gap interval is applied by the controller, the network access point will not transmit an off-hook condition message since there is an overload in the interval, Col. 5 Lines 29-40).

Regarding Claim 30, Smith in view of Hari discloses a method as claimed in claim 23. Hari further teaches a media gateway controller communicating a dial plan implemented by a media gateway in advance [0059]. Hari illustrates a dial plan implemented by a media gateway or network access point where the message is routed to an alternate media gateway controller or network access controller if the dial plan has been used before, [0041-0043].

Regarding Claim 31, Smith in view of Hari discloses a method as claimed in claim 23. Hari further teaches a media gateway controller indicating to a media gateway or network access points a specific dial tone, [0062].

Regarding Claim 32, Smith in view of Hari discloses a method as claimed in claim 23. Smith further teaches a call gap established by the media gateway once it has measured or analyzed the call address, Col. 13 Lines 5-36.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADNAN BAIG whose telephone number is (571) 270-7511. The examiner can normally be reached on Mon-Fri 7:30m-5:00pm eastern Every other Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis West can be reached on 571-272-7859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/ADNAN BAIG/  
Examiner, Art Unit 4172

/Jean A Gelin/

Primary Examiner, Art Unit 2617

January 5, 2009